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★ MAY 03 2017 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

IN RE APPLICATION OF THE
UNITED STATES OF AMERICA FOR
AN ORDER PURSUANT TO
18 U.S.C. § 2703(d)

APPLICATION FOR HISTORICAL
CELL-SITE INFORMATION PER
§ 2703(d)

No. _____

17-1293MC

APPLICATION OF THE UNITED STATES
FOR AN ORDER FOR HISTORICAL CELL-SITE INFORMATION
PURSUANT TO 18 U.S.C. § 2703(d)

The United States of America, moving by and through its undersigned counsel, respectfully submits under seal this *ex parte* application for an Order pursuant to 18 U.S.C. § 2703(d). The proposed Order would require AT&T, a cellular service provider, located in North Palm Beach, Florida, to disclose certain records and other information pertaining to the cellular telephone assigned call number (347) 249-5860, as described in Part I of Attachment A to the proposed Order. The records and other information to be disclosed are described in Part II of Attachment A. In support of this application, the United States asserts:

LEGAL BACKGROUND

1. AT&T is a provider of an electronic communications service, as defined in 18 U.S.C. § 2510(15). Accordingly, the United States may use a court order issued under § 2703(d) to require AT&T to disclose the items described in Part II of Attachment A, as these records pertain to a subscriber of electronic communications service and are not the contents of communications. *See* 18 U.S.C. § 2703(c)(1).

2. This Court has jurisdiction to issue the proposed Order because it is “a court of competent jurisdiction,” as defined in 18 U.S.C. § 2711(3). *See* 18 U.S.C. § 2703(d). Specifically, the Court is a district court of the United States that has jurisdiction over the offense being investigated. *See* 18 U.S.C. § 2711(3)(A)(i).

3. A court order under § 2703(d) “shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation.” 18 U.S.C. § 2703(d). Accordingly, the next section of this application sets forth specific and articulable facts showing that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation.

THE RELEVANT FACTS

4. The United States has charged numerous defendants with honest services wire fraud and federal program bribery committed in the Eastern District of New York from March 2011 to November 2012. *See United States v. Alimonos, et al.*, 15-CR-303 and 15-CR-303 (S-1). The charges include violations of Title 18, United States Code, Sections 1349 and 666(a)(1)(B), in connection with a bid-rigging and kickback scheme occurring at the Village of Hempstead Housing Authority during the aforementioned time period.

5. Law enforcement has determined that the Device is assigned to Michael Lambros. On February 18, 2016, Lambros pled guilty to honest services fraud - Count One of the initial indictment. *Inter alia*, Lambros pled guilty to delivering a kickback payment to

a co-conspirator as part of the scheme. There are reasonable grounds to believe that the records described in Attachment A are “relevant and material” to this case and the ongoing investigation thereof. Specifically, the cell-site location information for the Device is necessary to confirm Lambros’ location during relevant time-periods and to corroborate other evidence, including telephone and bank records, establishing Lambros’ contacts with other co-conspirators.

REQUEST FOR ORDER


6. The facts set forth in the previous section show that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation. Specifically, these items will help the United States to identify and locate the individuals who are responsible for the events described above, and to determine the nature and scope of their activities. Accordingly, the United States requests that AT&T be directed to produce all items described in Part II of Attachment A to the proposed Order.

Dated: Central Islip, New York

May 3, 2017

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By:



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